

OHIO AN ACT TO CREATE MUNICIPAL AND GENERAL HEALTH DISTRICTS

RA
131
A7
1919

221728

AN ACT

To create municipal and general health districts for purposes of local health administration; and to amend sections 1245, 1246, 4404, 4405, 4408, 4409, 4410, 4413, 4429, 4430, 4436, 4437, 4476 and 12785 of the General Code relating to the powers and duties of boards of health and to repeal original sections 1245, 1246, 3391, 3392, 3393, 3394, 4404, 4405, 4408, 4409, 4410, 4413, 4429, 4430, 4436, 4437, 4476 and 12785 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. For purposes of local health administration the state shall be divided into health districts. Each city having at the last preceding federal census a population of twenty-five thousand or more shall constitute a health district and for the purpose of this act shall be known as and hereinafter be referred to as a municipal health district. The townships and municipalities in each county, exclusive of any city having twenty-five thousand population or more at the last preceding federal census, shall constitute a health district and for the purposes of this act shall be known as and hereinafter be referred to as a general health district. Provided, that where any municipality having less than twenty-five thousand population at the last preceding federal census is located in more than one county it shall be included for the purposes of this act, in the county in which the largest part of the area of such municipality is located. As hereinafter provided, there may be a union of two general health districts or a union of a general health district and a municipal health district located within such district.

Provided, that when any municipality of not less than ten thousand nor more than twenty-five thousand population at the last preceding federal census maintains at the time of the passage of this act a board of health or health department furnishing, in the opinion of the state department of health, a sanitary administration equal to that to be provided in the district under the provisions of this act, the state commissioner of health shall declare such a municipality a separate municipal health district and from and after the beginning of the next fiscal year after such action, such municipality shall be and constitute a separate municipal health district within the meaning of this act. Should the state department of health, after investigation, subsequently find that such municipality does not maintain a sanitary administration equal to that provided in the general health district in which such municipality is located, the state department of health may, after notice to the mayor of the municipality, declare such municipality a part of the general health district and from the beginning of the next fiscal year thereafter the municipality shall be a part of the general health district as provided in this act.

SECTION 2. In each general health district, except in a district formed by the union of a general health district and a municipal health district, there shall be a district board of health consisting of five members to be appointed as hereinafter provided and as provided in section 4406 of the General Code. The members of the board of health of a general health district shall receive no compensation for their services but shall be reimbursed for all necessary and lawful expenses incurred in attending meetings of the board. A vacancy in the membership of the board of health of a general health district shall be filled in like manner as an original appointment and shall be for the unexpired term. Provided, that when a vacancy shall occur more than ninety days prior to the annual meeting of the district advisory council the remaining members of the district board of health may select a resident of the district to fill such vacancy until such meeting. A majority of the members of the district board of health shall constitute a quorum.

SECTION 3. Within sixty days after this act shall take effect the mayor of each municipality not constituting a municipal health

district and the chairman of the trustees of each township in a general health district shall meet at the county seat and shall organize by selecting a chairman and a secretary. Such organization shall be known as the district advisory council. The district advisory council shall proceed to select and appoint a district board of health as hereinbefore provided, having due regard to the equal representation of all parts of the district. Where the population of any municipality represented on such district advisory board exceeds one-fifth of the total population of the district, as determined by the last preceding federal census, such municipality shall be entitled to one representative on the district board of health for each fifth of the population of the district represented by the population of such municipality. Of the members of the district board of health, one shall be a farmer, two shall be physicians, and one shall be an attorney-at-law. Annually thereafter the district advisory council shall meet on the first Monday in February for the purpose of electing its officers and a member of the district board of health and shall also receive and consider the annual or special reports of the district board of health and make recommendations to the district board of health or to the state department of health in regard to matters for the betterment of health and sanitation within the district or for needed legislation. It shall be the duty of the secretary of the district advisory board to notify the district health commissioner and the state commissioner of health of the proceedings of such meeting. Special meetings of the district advisory council shall be held on request of the district board of health or on the order of the state commissioner of health. On certification of the chairman and secretary the necessary expenses of each delegate to an annual or special meeting shall be paid by the city, village or township he represents.

The district health commissioner shall attend all meetings of the district advisory council.

SECTION 4. Within thirty days after the appointment of the members of the district board of health in a general district, they shall organize by selecting one of their members as president and another member as president pro tempore. The district board of health shall appoint a district health commissioner, who shall be secretary of

the board and who shall give his entire time to the duties of his office and shall not engage in any other business. The health commissioner shall be appointed from an eligible list certified by the state civil service commission of Ohio, as hereinafter provided, and said appointee shall not be removed except it be for good cause and by a majority vote of the membership of the district board of health. In the absence of an eligible list, a temporary appointment may be made, but no such appointment shall be made without the approval of the state commissioner of health. A health commissioner who has been removed from office may appeal to the public health council. Upon notice of such appeal the district board of health shall prefer charges against the health commissioner and a hearing shall be given at which the district board of health and the health commissioner may be present. After such hearing the public health council shall render a decision and such decision shall be a final determination of the case. The hearing may be held within the general health district or at the city of Columbus. The district health commissioner shall be the executive officer of the district board of health and shall carry out all orders of the district board of health and of the state department of health. He shall be charged with the enforcement of all sanitary laws and regulations in the district, and shall have within the general health district all the powers now conferred by law upon health officers of municipalities. It shall be the duty of the district health commissioner to keep the public informed in regard to all matters affecting the health of the district.

SECTION 5. When it is proposed that a municipal health district unite with a general health district in the formation of a single district, the district advisory council of the general health district shall meet and vote on the question of union and it shall require a majority vote of the total number of townships, villages and cities entitled to representation voting affirmatively to carry the question. The council or body performing the duties of council of the municipality shall likewise vote on the question and a majority voting affirmatively shall be required for approval. When the majority of the district advisory council and council of the municipality have voted affirmatively, the chairman of the district ad-

visory council and the mayor or chief executive officer of the municipality shall enter into a contract subject to the approval of the state commissioner of health, for the administration of health affairs in the combined district. Such contract shall state the proportion of the expenses of the board of health or health department of the combined district to be paid by the municipality and by that part of the district lying outside such municipality; shall provide for the amount and character of sanitary service to be rendered in the parts of the district lying outside such municipality and the date on which the board of health or health department of the municipality shall take over the administration of the combined health district. After such union is completed the board of health or health department of the municipal health district shall have within the combined district all the powers herein or hereafter granted to and perform all the duties herein or hereafter required of the board of health of a general health district.

SECTION 6. Where it is proposed that two general health districts shall unite in the formation of one general health district, the district advisory council of each general health district shall meet and vote on the question of union and an affirmative majority vote of the total number of townships, villages and cities entitled to representation on the district advisory council shall be required for approval. When the two district advisory councils have voted affirmatively on the question, they shall meet in joint session and shall elect a district board of health for the combined districts, and not more than three members shall be from any one original district. When such union is completed such districts shall constitute a general health district and shall be governed in the manner herein provided for general health districts. Where two general health districts unite to form one district, the office of the district board of health shall be located at the county seat of the most populous county, except that for good cause such office may, with the approval of the state commissioner of health, be located in the municipality most accessible by usual means of transportation to the whole of the district.

SECTION 7. In any general health district the district board of health shall upon the recommendation of the health commissioner

appoint for whole-time service a public health nurse and a clerk and such additional public health nurses, physicians and other persons, within the classes to be fixed by the state civil service commission of Ohio as hereinafter provided, as may be necessary for the proper conduct of its work. Such number of public health nurses shall be employed as is necessary to provide adequate public health nursing service to all parts of the district. The board of health of each district shall provide such infant welfare stations, prenatal clinics and other measures for the protection of children as it may deem necessary. It shall also provide for the prevention and treatment of trachoma and may establish clinics or detention hospitals and provide the necessary medical and nursing service therefor.

SECTION 8. The board of health of any general health district shall make adequate provision for the sanitary administration of any municipalities forming part of such district. It shall establish an office in each city, in rooms which the council of such city shall provide for that purpose and shall designate for duty therein a deputy health officer and such inspectors and nurses as may be necessary properly to administer sanitary affairs of such city. The amount and quality of sanitary service to be furnished in any such municipality shall in no case be less than that in effect in such city at the time this act shall take effect.

SECTION 9. If in any general health district the district advisory council shall fail to meet or to select a district board of health, within ninety days after this act shall take effect, the state commissioner of health may, with the consent of the public health council, appoint a district board of health for such district which shall have and exercise all powers conferred by this act on district boards of health.

SECTION 10. If the state commissioner of health shall find that the members of the board of health of a general or municipal health district, or any member thereof, has failed to perform any or all the duties required by this act, he shall prefer charges against such members of the board or such member before the public health council and shall notify the members of such board or such member as to the time and place at which such charges will be heard. If the public

health council shall, after hearing, find the members of such board or such member guilty of the charge or charges, it may remove such members of the board or such member from office. When all, or a majority of the members of the board of health of a general or municipal health district be so removed from office, the district advisory council or the mayor of the municipality, upon notice of such removal, shall within thirty days after receipt of such notice select a new board of health or members to fill the vacancies caused by removal, and if the district advisory council or mayor fails within sixty days, to select such board or such member or members, the state commissioner of health, with the approval of the public health council, may appoint a board of health for such general or municipal health district or fill the vacancies caused by removal.

SECTION 11. In addition to the duties now required of boards of health it shall be the duty of each district board of health to study and record the prevalence of disease within its district; to provide for the prompt diagnosis and control of communicable diseases; to provide for the medical and dental supervision of school children; to provide for the free treatment of cases of venereal diseases; to provide for the inspection of schools, public institutions, jails, work-houses, children's homes, infirmaries and other charitable, benevolent, correctional and penal institutions; to provide for the inspection of dairies, stores, restaurants, hotels and other places where food is manufactured, handled, stored, sold or offered for sale, and for the medical inspection of persons employed therein; to provide for the inspection and abatement of nuisances dangerous to public health or comfort; and to take all steps necessary to protect the public health and to prevent disease.

Provided that in the medical supervision of school children as herein provided, no medical or surgical treatment shall be administered to any minor school child except upon the written request of the parent or guardian of such child; and provided further, that any information regarding any diseased condition or defect found as a result of any medical school examination shall be communicated only to the parent or guardian of such child and if in writing shall be in a sealed envelope addressed to such parent or guardian.

SECTION 12. Each district board of health shall provide for the carrying on of such laboratory work as is necessary for the proper conduct of its work. It may establish a district laboratory or may contract with any existing laboratory within or convenient to the district for the performance of such work or may unite with another district in the establishment of a joint laboratory. It shall be the duty of all state institutions supported in whole or in part by public funds to furnish such laboratory service as may be required by any district board of health under terms to be agreed upon. Any contract for the furnishing of laboratory service to a district board of health and any proposal for the establishment of a joint laboratory, shall be subject to the approval of the state commissioner of health. In the operation of such laboratories standard methods approved by the state commissioner of health shall be used.

SECTION 13. Each district board of health shall provide for the free treatment of cases of gonorrhea, syphilis and chancroid. It may establish and maintain one or more clinics for such purpose and may provide for the necessary medical and nursing service therefor. The district board of health shall provide for the quarantine of such carriers of syphilis, gonorrhea or chancroid as the state commissioner of health shall order to be quarantined. It shall use due diligence in the prevention of such venereal diseases and shall carry out all orders and regulations of the state department of health in connection therewith.

SECTION 14. Each district board of health shall provide for the free distribution of antitoxin for the treatment of cases of diphtheria and shall establish sufficient distributing stations to render such antitoxin readily available in all parts of the district.

SECTION 15. The district board of health hereby created shall exercise all the powers and perform all the duties now conferred and imposed by law upon the board of health of a municipality, and all such powers, duties, procedure and penalties for violation of the sanitary regulations of a board of health shall be construed to have been transferred to the district board of health by this act. The district board of health shall exercise such further powers and perform such other duties as are herein conferred or imposed.

SECTION 16. The district health commissioner shall make or cause to be made frequent inspections of all county infirmaries, children's homes, workhouses, jails or other charitable, benevolent, correctional or penal institutions in the district, including physical examinations of the inmates whenever necessary, and shall make or cause to be made such laboratory examinations of such inmates as may be requested by any state or county official having jurisdiction over such institution.

SECTION 17. The district health commissioner shall be a deputy of the state registrar of vital statistics and shall under his direction enforce all laws governing the registration of births and deaths. Each local registrar of vital statistics shall on or before the fifth day of each month transmit to the health commissioner of the district having jurisdiction all certificates of births or deaths received by such registrar during the preceding month. The health commissioner shall within five days transmit such certificates to the state registrar of vital statistics. When any registrar shall receive any certificate of a death from any contagious or communicable disease, he shall within twenty-four hours after receipt of such certificate notify the health commissioner of the district having jurisdiction of such death on a form to be furnished by the district board of health.

SECTION 18. The district board of health may establish detention hospitals for cases of communicable diseases and provide for the support and maintenance thereof. It may collect from persons committed to such hospitals the cost of the care and treatment of such persons while inmates therein. The expenses of such indigent persons as are committed to such detention hospitals shall be a proper charge against and shall be collected from the township or municipality from which such person was sent to the hospital.

SECTION 19. The state civil service commission of Ohio, shall upon recommendation of the state commissioner of health, survey the duties of employes necessary for efficient operation of district boards of health and shall classify such employes insofar as is practicable, determine the qualifications of, and fix a standard rate of compensation for each class. Such classification shall also include positions to be filled on a part-time basis. The state civil service commission shall

hold examinations in various parts of the state and prepare lists of eligibles for the classes of employes so fixed. Such examinations shall be open to suitably qualified persons without restriction as to residence. The state civil service commission shall, upon request of any district board of health, certify lists of eligibles for appointment, giving preference in each case to eligibles resident in the district.

SECTION 20. All appointments by boards of health of general health districts shall be from the list of eligibles certified by the state civil service commission, except that where no list of eligibles is furnished, temporary appointments for a period not to exceed ninety days may be made with the approval of the state civil service commission, and the rate of compensation of persons so appointed shall be that fixed by the state civil service commission for that class. In grave emergency, and to prevent or combat serious epidemics, the state commissioner of health may authorize the temporary employment of physicians, nurses and other necessary persons for periods not to exceed ninety days. Appointments to positions on a part-time basis shall be from lists certified by the civil service commission for part-time employment and the compensation paid any part-time employe shall not in any one year exceed one-half the compensation fixed by the civil service commission for whole-time service in the same class. Persons appointed for whole-time service shall give their entire time to the duties of such position and shall not engage in any other business.

SECTION 21. It shall be the duty of the county commissioners or of the city council to furnish suitable quarters for any board of health or health department having jurisdiction over all or a major part of such county or municipality in accordance with the provisions of this act.

SECTION 22. In general health districts the prosecuting attorney of the county constituting all or a major part of such district shall act as the legal advisor of the district board of health. In a proceeding in which the board of health of any general health district is a party the prosecuting attorney of the county in which such proceeding is instituted shall act as the legal representative of the district board of health.

SECTION 23. The treasurer of a city which constitutes a separate health district shall be the custodian of the health fund of such municipal health district. The county treasurer of a county which constitutes all or the major portion of a general health district shall be the custodian of the health fund of that health district. The auditor of a county which constitutes all or a major portion of a general health district shall act as the auditor of the general health district. The auditor of a municipality which constitutes a municipal health district shall act as the auditor of the municipal health district. Expenses of the district board of health of a general health district shall be paid on the warrant of the county auditor issued on vouchers approved by the district board of health and signed by the district health commissioner. Expenses of the board of health or health department of a municipal health district shall be paid on the warrant of the auditor of the municipality issued on vouchers approved by the board of health or health department of the municipal health district and signed by the municipal health commissioner.

SECTION 24. When any general or municipal health district has been duly organized as provided by this act and has employed for whole-time service a health commissioner, a public health nurse and a clerk, the chairman of the board of health, or the principal executive officer of the department of health as the case may be shall semi-annually upon the first day of January and of July certify such fact to the state commissioner of health, stating the salaries paid such health commissioner, public health nurse and clerk during the preceding six months. If such board of health or health department has complied with the orders and regulations of the state department of health and has truly and faithfully complied with the provisions of this act, the state commissioner of health shall endorse such facts on the certificate and shall transmit the certificate to the auditor of state, who shall thereupon draw a voucher on the treasurer of state to the order of the custodian of the funds of such health district, payable out of the general revenue fund, in amount equal to one-half of the amount paid by the district board of health or health department to such health commissioner, public health nurse and clerk, during such semi-annual period. Provided, that if the amount paid by such

district board of health or health department during any six months is in excess of two thousand dollars, the amount to be paid by the auditor of state shall be one thousand dollars and no more, and no payment shall be made unless the certificate of the district board of health or health department shall have been endorsed by the state commissioner of health as herein provided.

SECTION 25. The board of health of a general health district shall annually, on or before August first, estimate in itemized form the amounts needed for the current expenses of such district for the fiscal year beginnng on the first day of January next ensuing. Such estimate shall be certified to the county auditor and by him submitted to the district advisory council at a meeting held at his office on the second Monday of September. The district advisory council may reduce any item or items in such estimate but may not increase any item or the aggregate of all items. The aggregate amount as fixed by the district advisory council shall be apportioned by the county auditor among the townships and municipalities composing the health district on the basis of population as shown by the last preceding federal census. The district board of health shall certify to the county auditor the amount due from the state as its share of the salaries of the district health commissioner, public health nurse and clerk for the next fiscal year which shall be deducted from the total of such estimate before an apportionment is made. The county auditor, when making his semi-annual apportionments of funds shall retain at each such semi-annual apportionment, one-half of the amount so apportioned to each township and municipality. Such moneys shall be placed in a separate fund, to be known as the "district health fund." When a general health district is composed of townships and municipalities in two or more counties, the county auditor making the original apportionment shall certify to the auditor of each county concerned the amount apportioned to each township and municipality in such county. Each auditor shall withhold from the semi-annual apportionment to each such township or municipality the amount so certified, and shall pay the amounts so withheld to the custodian of the funds of the health district concerned, to be credited to the district health fund. Where any general health dis-

district has been united with a municipal health district located therein, the mayor of the municipality shall annually on or before the first day of August certify to the county auditor the total amount due for the ensuing fiscal year from the municipalities and townships in the district as provided in the contract between such municipality and the district advisory council of the original health district. The county auditor shall thereupon apportion the amount so certified to the townships and municipalities, and withhold the sums so apportioned as herein provided.

SECTION 26. In case of epidemic or threatened epidemic or during the unusual prevalence of a dangerous communicable disease, if the moneys in the district health fund of a general health district are not sufficient, in the judgment of the board of health of such district, to defray the expenses necessary to prevent the spread of such disease, such board of health shall estimate the amount required for such purpose and apportion it among the townships and municipalities in which the condition herein described exists, on the basis provided for in section 25 of this act. Such estimate and apportionment shall be certified to the county auditor of the proper county or counties, who shall draw an order on the clerk, auditor or other similar officer of each township or municipality affected thereby, for the amount to it apportioned. Such clerk, auditor or other similar officer shall forthwith draw his warrant on the treasurer of such township or municipality for the amount of such certification, which shall be honored by the treasurer from any general treasury balances subject to his control, regardless of funds. The clerk, auditor or other similar officer shall thereupon set up an account to be designated "emergency health account", showing a deficit therein, and certify the action taken to the trustees or council or other body having the power to borrow money. Thereupon the trustees or council or other similar body may exercise the powers provided for in sections 4450 and 4451 of the General Code. Tax levies made for the purpose set forth in this section shall be subject to the provisions of section 5649-4 of the General Code. Moneys raised under the authority herein conferred shall be placed in the treasury of the borrowing subdivision and credited to the "emer-

gency health account", which shall thereupon be closed; so that the moneys taken from general cash balances shall be restored thereto and the regular funds of the subdivision shall be restored thereby.

If there is not sufficient money in the general cash balances of such subdivisions to satisfy the warrant so drawn by the clerk, auditor or other similar officer, the treasurer thereof shall honor the same to the extent of the cash in such treasury and the balance shall be certified by the clerk, auditor or other officer and the treasurer, jointly, to the trustees, council or other borrowing authority, which shall immediately exercise the powers provided for in this section, to raise the amount of the warrant. The proceeds of such action shall be paid into the general cash balance in the treasury of the subdivision, and the balance due on the warrant shall then be paid.

The warrants provided for in this section shall be drawn in favor of the county treasurer, as treasurer of the district health fund, and the proceeds shall go into such fund. A separate account shall be kept of expenditures under this section. If a greater amount is expended in any township or municipality than the amount drawn therefrom by action hereunder, the excess shall be charged against such subdivision at the next annual apportionment in addition to the amount apportionable to such subdivision under section 25 of this act. If the amount drawn under this section is not wholly expended in any subdivision, the unexpended remainder shall be credited to the next annual apportionment to such subdivision.

Performance of the official duties by this section imposed on officers, boards and legislative bodies, may be enforced by mandamus on the relation of the district board of health, which is hereby given special capacity to sue in such action. In any such case the return day of the alternative writ shall not be more than three days after the filing of the petition.

SECTION 27. The board of health of a general health district may make such orders and regulations as it deems necessary for its own government, for the public health, the prevention or restriction of disease, and the prevention, abatement or suppression of nuisances. All orders and regulations not for the government of the board, but intended for the general public, shall be adopted, recorded

and certified as are ordinances of municipalities and record thereof shall be given in all courts of the state the same force and effect as is given such ordinances, but the advertisements of such orders and regulations shall be by publication in one newspaper published and of general circulation within the general health district. Publication shall be made once a week for two consecutive weeks and such orders and regulations shall take effect and be in force ten days from date of first publication. Provided, however, that in cases of emergency caused by epidemics of contagious or infectious diseases, or conditions or events endangering the public health, such boards may declare such orders and regulations to be emergency measures, and such orders and regulations shall become immediately effective without such advertising, recording and certifying.

SECTION 28. In case any section or sections or part of any section or sections of this act shall be found unconstitutional, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

Sec. 1245. The state department of health shall make provision for annual conferences of district health commissioners for the consideration of the cause and prevention of dangerous communicable diseases and other measures to protect and improve the public health. Each board of health or other body or person appointed or acting in place of a board of health shall appoint its health commissioner or health officer a delegate to such annual conferences. The district board of health shall pay the necessary expenses of such delegate upon presentation of a certificate from the state commissioner of health that the delegate attended the sessions of such conference.

Sec. 1246. The state commissioner of health may require any district health commissioner to attend immediately after his appointment, a school of instruction to be conducted by the state department of health at Columbus. The course at such school of instruction shall not exceed four weeks in duration, and the necessary expenses of the district health commissioner in attending such school shall be paid by the district board of health upon certification from the state com-

missioner of health that such officer has attended the school of instruction.

Sec. 4404. The council of each municipality constituting a municipal health district, shall establish a board of health, composed of five members to be appointed by the mayor and confirmed by the council who shall serve without compensation and a majority of whom shall be a quorum. The mayor shall be president by virtue of his office. Provided that nothing in this act contained shall be construed as interfering with the authority of a municipality constituting a municipal health district, making provision by charter for health administration other than as in this section provided.

Sec. 4405. If any such municipality fails or refuses to establish a board of health the state commissioner of health, with the approval of the public health council, may appoint a health commissioner therefor and fix his salary and term of office. Such health commissioner shall have the same powers and perform the duties granted to or imposed upon boards of health, except that rules, regulations or orders of a general character and required to be published made by such health commissioner shall be approved by the state commissioner of health. The salary of the health commissioner so appointed, and all necessary expenses incurred by him in performing the duties of the board of health shall be paid by and be a valid claim against such municipality.

Sec. 4408. In any municipal health district, the board of health or person or persons performing the duties of a board of health shall appoint within the classes fixed by the state civil service commission of Ohio for whole-time service, a health commissioner, a public health nurse and a clerk. It may also appoint physicians, public health nurses and other persons, within the classes fixed by the state civil service commission of Ohio. Where the municipal civil service commission has held examinations for appointment within the classes so fixed, and has certified lists of eligibles for the classes from which appointment is to be made, such appointments shall be made from the lists so certified, but if the municipal civil service commission has not held examinations in accord with the classification made by the state civil service commission, or cannot furnish lists of eligibles for

such classess, appointment shall be made from lists of eligibles furnished by the state civil service commission as hereinbefore provided. Where no list of eligibles is furnished by the municipal or state civil service commission, temporary appointments may be made for periods not to exceed ninety days with the consent of the state civil service commission. Provided that the status of persons employed at the time this act shall take effect by a board of health or health department under the provisions of municipal civil service for whole-time service shall not be affected by the passage of this act.

Sec. 4409. The secretary of the board shall keep a full and accurate record of the proceedings of the board together with a record of diseases reported to the health commissioner and on termination of his office shall turn over to his successor, books, records, papers and other matter belonging to the board. Each board of health, or person or persons performing the duties of the board of health shall procure suitable books, blanks, and other things necessary to the transaction of its business. Such records shall be kept as are required by the state commissioner of health and such forms shall be used as he may prescribe.

Sec. 4410. The board of health shall care for the sick poor and each person quarantined when such person is unable to pay for care and treatment, and for all persons sent to the municipal detention hospital when such persons are unable to pay for care and treatment.

Sec. 4413. The board of health of a municipality may make such orders and regulations as it deems necessary for its own government, for the public health, the prevention or restriction of disease, and the prevention, abatement or suppression of nuisance. Orders and regulations not for the government of the board, but intended for the general public, shall be adopted, advertised, recorded and certified as are ordinances of municipalities, and the record thereof shall be given, in all courts of the state, the same force and effect as is given such ordinances. Provided, however, that in cases of emergency caused by epidemic of contagious or

infectious diseases, or conditions or events endangering the public health, such boards may declare such orders and regulations to be emergency measures, and such orders and regulations shall become immediately effective without such advertising, recording and certifying.

Sec. 4429. When a case of smallpox, cholera, plague, yellow fever, typhus fever, diphtheria, membranous croup, scarlet fever or other communicable diseases declared by the board of health or state department of health to be quarantinable is reported within its jurisdiction, the board of health shall at once cause to be placed in a conspicuous position on the house wherein such disease occurs a quarantine card having printed on it in large letters the name of the disease within, and prohibit entrance to or exit from such house without written permission from the board of health, or shall enforce such restrictive measures as may be prescribed by the state department of health. No person shall remove, mar, deface, or destroy such quarantine card, which shall remain in place until after the patient has been removed from such house, or has recovered and is no longer capable of communicating the disease, and the house and the contents thereof have been properly purified and disinfected by the board of health or treated in such manner as may be prescribed by the state department of health.

Sec. 4430. Each physician attending a person affected with any such disease shall use such precautionary measures to prevent the spread of the disease as is required by the board of health. No person quarantined by a board of health on account of having a contagious disease or for having been exposed thereto, shall leave such quarantined house or place without the written permission of the board of health, and where other inmates of such house have been exposed to and are liable to become ill of any such diseases, for such period thereafter as may be prescribed in the rules and regulations of the state department of health.

Sec. 4436. When a house or other place is quarantined on account of contagious diseases, the board of health having jurisdiction shall provide for all persons confined in such house or place, food, fuel and all other necessities of life, including medical attendance,

medicine and nurses when necessary. The expenses so incurred, except those for disinfection, quarantine or other measures strictly for the protection of the public health, when properly certified by the president and clerk of the board of health, or health officer where there is no board of health, shall be paid by the person or persons quarantined, when able to make such payment, and when not, by the municipality or townships in which quarantined.

Sec. 4437. No person residing in or occupying a house in which a person is suffering from smallpox, cholera, plague, typhus fever, diphtheria, membranous croup, scarlet fever or other dangerous contagious disease, shall be permitted to attend any public, private or parochial school or college or Sunday school, or any other public gathering, until the quarantine provided in such diseases has been removed by the board of health. All school principals, Sunday school superintendents, or other persons in charge of such schools, are hereby required to exclude any and all such persons until they present a written permit of the board of health to attend or re-enter such schools.

Sec. 4476. On or before the fifteenth day of January of each year, the board of health or health department shall make a report in writing for the preceding calendar year to the council of the municipality and to the state commissioner of health. Such report shall be on the sanitary condition and prospects of such municipality, and shall contain the statistics of deaths, the action of the board and its officers and agents and the names thereof. It shall contain other useful information, and the board shall suggest therein any further legislative action deemed proper for the better protection of life and health. Such board of health and health departments shall promptly furnish any special report called for by the state commissioner of health.

Sec. 12785. Whoever, while suffering from smallpox, cholera, plague, yellow fever, diphtheria, membranous croup, scarlet fever or other dangerous contagious disease, wilfully or unlawfully exposes himself in a street, shop, inn, theater, or other public place or public conveyance, or, being in charge of a person so suffering, so exposes such sufferer, or gives, lends, sells, transmits or exposes

without previous disinfection by the board of health bedding, clothing, rags, or other thing, which has been exposed to infection from such disease, or knowingly lets for hire a house, room or part of a house in which a person has been suffering from such disease, prior to the disinfection thereof by the board of health, shall be fined not more than one hundred dollars or imprisoned not more than ninety days, or both.

SECTION 29. That said original sections 1245, 1246, 3391, 3392 3393, 3394, 4404, 4405, 4408, 4409, 4410, 4413, 4429, 4430, 4436 4437, 4476 and 12785 of the General Code be and the same are hereby repealed, but this section shall not go into effect until January 1, 1920.

CARL R. KIMBALL,
Speaker of the House of Representatives.

CLARENCE J. BROWN,
President of the Senate.

Passed April 17, 1919.

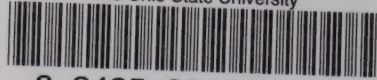
Approved May 9, 1919.

JAMES M. COX, *Governor.*

Bd. Pass.

Filed in office of Secretary of State, May 12, 1919.

The Ohio State University



3 2435 05435312 3

THE OHIO STATE UNIVERSITY BOOK DEPOSITORY



| D | AISLE | SECT | SHLF | SIDE | POS | ITEM | C |
|---|-------|------|------|------|-----|------|---|
| 8 | 03 | 37 | 22 | 8 | 07 | 014 | 9 |